

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27017 of 2016

Arising Out of PS.Case No. -106 Year- 2015 Thana -BARARI District- KATIHAR

Manoj Mahto, son of Late Basant Mahto, Resident of Village Milik Tola,
P.S. Kursela, Dist. Katihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Adv.
Mr. Birendra Kumar, Adv.

For the Opposite Party/s : Smt. Renuka Ratnakar

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 14-07-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

In this case, the petitioner is seeking bail in
connection with Barari P.S. Case No. 106 of 2015 registered for
offences under sections 341, 323, 366(A), 504/34 of the Indian
Penal Code.

One Upendra Mahto lodged First Information Report
stating that the petitioner allured his daughter, namely, Sajni
Kumari and took her away with a motive to marry with her. It has
further been alleged one the same day, the petitioner brought his
daughter to the house of one Chamak Lal Mahto. When he went to
the house of Chamak Lal Mahto, he started abusing him and
Chamal Kal Mahto and associates assaulted him by different



weapons. In the meantime, Vijo Devi came there and saved him. An allegation has been made against the male members of the family. A complaint was lodged being Complaint No. 1433 of 2015 and the same was referred to the police under Section 156(3) of the Cr.P.C. for investigation and the police submitted charge-sheet against the petitioner.

Learned counsel for the petitioner has submitted that though there is a statement under Section 164 of the Cr.P.C. against him but the story that has been narrated in the complaint makes it very suspicious on account of the fact that the victim herself filed a Complaint Case No. 1529 of 2015 wherein she has stated that her father was intending to get her marriage with an adult person of 55 years of age on getting an amount of Rs. 50,000/-. In fact, an allegation has been made that her father had sold her in a consideration amount, as stated above, and requested for taking cognizance of the act of her father. In paragraph no.16 of this application, learned counsel for the petitioner has stated that she was rescued but, later on the victim girl has again been sold by her father to a person of Uttar Pradesh. The petitioner is languishing in judicial custody since 28.6.2015.

Looking to the facts and circumstances of the case, let the petitioner, namely, Manoj Mahto, be released on bail on

furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge, 1st, Katihar in connection with Barari P.S. Case No. 106 of 2015 (G.R. No. 1691 of 2015), subject to the condition that (i) one of the bailors shall be a close relative of the petitioner (ii) if the petitioner is found involved in future in similar type of case, the prosecution will be at liberty to make prayer for cancellation of his bail and the court below will pass necessary order, including cancellation of bail and (iii) the petitioner would cooperate the proceeding of the court below. In event of failure to appear on two consecutive dates, the court below will be at liberty to pass the order, including cancellation of bail bonds.

(Shivaji Pandey, J)

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